## AMENDMENTS TO THE CLAIMS

1 (Currently amended). An apparatus, comprising:

an expandable member being sized to be positionable in a sphincter, the expandable member having a deployed state and a nondeployed state, the deployed state sized for applying sufficient force to the sphincter to dilate the sphincter at least 5 mm;

an energy delivery device coupled to the expandable member, the energy delivery device configured to <u>penetrate tissue and to</u> controllably produce lesions of a sufficient size, number and configuration in an interior of the sphincter so as to create a selectable tightening of the sphincter; and

- a flexible coupling member coupled to the expandable member, the coupling member including at least one lumen and configured to be maneuverable in a body lumen.
- 2 (Previously amended). The apparatus of claim 1, wherein a configuration of the energy delivery device includes a plurality of energy delivery members distributed on a surface of the expandable member, the apparatus further comprising:
- at least one aperture disposed on one of the expandable member or the flexible coupling member, the at least one aperture configured to direct a cooling fluid to cool the energy delivery device.
- 3 (Original). The apparatus of claim 2, wherein the plurality of energy delivery members are radially distributed along a surface of the energy delivery device expandable member.
- 4 (Original). The apparatus of claim 2, wherein the plurality of energy delivery members are longitudinally distributed along a surface of the expandable member.
- 5 (Original). The apparatus of claim 1, wherein the energy delivery device covers a portion of the surface of the expandable member.
- 6 (Original). The apparatus of claim 2, wherein the energy delivery device covers substantially all of an exterior surface of the expandable member.
- 7 (Original). The apparatus of claim 1, wherein the expandable member is sized to be positionable in a sphincter and to allow the energy delivery device to contact a portion of the inner surface of a sphincter.

- 8 (Original). The apparatus of claim 1, wherein the expandable member is sized to be positionable in a sphincter and to allow the energy delivery device to contact all of an inner surface of the sphincter.
- 9 (Original). The apparatus of claim 1, where the energy delivery device is sized to be positionable in the sphincter and non-permanently dilate the sphincter from a contracted state; and

wherein the sphincter returns to a pretreatment contracted state upon a removal of the expandable member from the sphincter.

- 10 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to form lesions in a muscle tissue underlying a sphincter mucosal layer.
- 11 (Previously amended). The apparatus of claim 1, wherein the deployed state is sized and applies sufficient force to the sphincter to dilate the sphincter between 5 and 40 mm and the energy delivery device is configured to dilate one of a lower esophageal sphincter or an adjoining tissue.
- 12 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to create the lesions at a fixed depth from a mucosal surface layer of the sphincter of no more than 4 mms.
- 13 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to create the lesions and minimizes injury to a mucosal and a submucosal layer of the sphincter.
- 14 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to create the lesions and reduce a frequency of sphincter relaxation.
- 15 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to create the lesions and reduce a duration of sphincter relaxation.
- 16 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to create the lesions and reduce a frequency of reflux of stomach contents into an esophagus.
- 17 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to create the lesions and reduce a frequency of a symptom of reflux of stomach contents into an esophagus.

- 18 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to create the lesions and reduce an incidence of a sequela of reflux of stomach contents into an esophagus.
- 19 (Original). The apparatus of claim 1, wherein the energy delivery device is positioned on an exterior surface of the expandable member.
- 20 (Original). The apparatus of claim 1, wherein the energy delivery device is positioned on an interior surface of the expandable member.
  - 21 (Original). The apparatus of claim 1, further comprising:
  - a lumen positioned in an interior of the expandable member.
  - 22 (Original). The apparatus of claim 1, wherein the expandable member is expandable.
  - 23 (Original). The apparatus of claim 1, wherein the expandable member is a balloon.
- 24 (Original). The apparatus of claim 1, wherein the expandable member is made of an expandable material.
- 25 (Original). The apparatus of claim 1, wherein the expandable member is made of a porous material.
  - 26 (Original). The apparatus of claim 1, further comprising:
  - an electrolytic solution housed in an expanded expandable member.
- 27 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to deliver energy to promote a fibroblast cell infiltration at a site of the lesions.
- 28 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to deliver energy to promote a fibroblast growth at a site of the lesions.
- 29 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to deliver energy that promotes a myofibroblast cell infiltration at a site of the lesions.
- 30 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to create a tightening of a lower esophageal sphincter without permanently damaging anatomical structures near the lower esophageal sphincter.
- 31 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to create a tightening of the lower esophageal sphincter without permanently damaging an aorta positioned near the lower esophageal sphincter.

- 32 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to create a tightening of the lower esophageal sphincter without permanently damaging a vagus nerve positioned near the lower esophageal sphincter.
- 33 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to create a tightening of the lower esophageal sphincter without permanently damaging an esophageal plexus of nerves and veins positioned near the lower esophageal sphincter.
- 34 (Previously amended). The apparatus of claim 1, wherein the energy delivery device is configured to create a tightening of the lower esophageal sphincter while preserving a blood supply to the lower esophageal sphincter.
- 35 (Original). The apparatus of claim 1, wherein the energy delivery device is an RF electrode.
  - 36 (Original). The apparatus of claim 35, further comprising:
  - an RF energy source coupled to the RF electrode.
- 37 (Original). The apparatus of claim 1, wherein the energy delivery device is a microwave antenna.
  - 38 (Original). The apparatus of claim 37, further comprising:
  - a microwave energy source coupled to the microwave antenna.
  - 39 (Original). The apparatus of claim 1, wherein the energy delivery device is a waveguide.
  - 40 (Original). The apparatus of claim 39, further comprising:
  - a light source coupled to the waveguide.
  - 41 (Original). The apparatus of claim 40, wherein the light source is a laser.
- 42 (Original). The apparatus of claim 1, wherein the energy delivery device is an acoustical transducer.
- 43 (Original). The apparatus of claim 1, wherein the energy delivery device is a resistive heating device.
  - 44 (Original). The apparatus of claim 1, further comprising:
  - a visualization device coupled to the expandable member.
  - 45 (Original). The apparatus of claim 1, further comprising:
  - an extension member coupled to the expandable member.

- 46 (Previously amended). The apparatus of claim 45, wherein a proximal portion of the extension member is maneuverable by a medical practitioner.
- 47 (Original). The apparatus of claim 1, wherein the energy delivery device is a plurality of RF electrodes.
- 48 (Original). The apparatus of claim 47, wherein the plurality of electrodes is a flexible circuit.
  - 49 (Original). The apparatus of claim 1, further comprising:
  - a mechanical expansion device coupled to the expandable member.
  - 50 (Currently amended). An apparatus comprising:

an expandable member sized to be positionable in a lower esophageal sphincter and non-permanently dilate the lower esophageal sphincter from a contracted state, the expandable member having a deployed state and a nondeployed state, the deployed state sized for applying sufficient force to the sphincter to dilate the sphincter between 5 and 40 mm;

an energy delivery device coupled to the expandable member, the energy delivery device configured to <u>penetrate tissue and to</u> controllably produce lesions of a sufficient size, number and configuration in an interior of the lower esophageal sphincter to create a tightening of the lower esophageal sphincter;

a flexible coupling member coupled to the expandable member, the coupling member including at least one lumen and configured to be maneuverable in a body lumen; and,

wherein the lower esophageal sphincter returns to a contracted state upon a removal of the expandable member from the sphincter.

- 51 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is configured to controllably produce lesions in an interior of the lower esophageal sphincter without creating a permanent impairment of the lower esophageal sphincter's ability to achieve a physiologically normal state of closure.
- 52 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is positioned on an exterior surface of the expandable member.
- 53 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is positioned on an interior surface of the expandable member.

- 54 (Previously amended). The apparatus of claim 50, further comprising:
- a lumen positioned in an interior of the expandable member.
- 55 (Previously amended). The apparatus of claim 50, wherein the expandable member is expandable.
- 56 (Previously amended). The apparatus of claim 50, wherein the expandable member is a balloon.
- 57 (Previously amended). The apparatus of claim 50, wherein the expandable member is made of an expandable material.
- 58 (Previously amended). The apparatus of claim 50, wherein the expandable member is made of a porous material.
  - 59 (Previously amended). The apparatus of claim 57, further comprising:
  - an electrolytic solution housed in an expanded expandable member.
- 60 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is configured to deliver energy to the interior of the lower esophageal sphincter and create a fibroblast proliferation in the interior of the lower esophageal sphincter.
- 61 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is configured to deliver energy to the interior of the lower esophageal sphincter and create a myofibroblast proliferation in the lower esophageal sphincter.
- 62 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is configured to create a tightening of the lower esophageal sphincter without permanently disrupting an aorta positioned near the lower esophageal sphincter.
- 63 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is configured to create a tightening of the lower esophageal sphincter without permanently damaging a vagus nerve positioned near the lower esophageal sphincter.
- 64 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is configured to create a tightening of the lower esophageal sphincter without permanently damaging an esophageal plexus of nerves and veins positioned near the lower esophageal sphincter.
- 65 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is configured to create a tightening of the lower esophageal sphincter while preserving a blood supply to the lower esophageal sphincter.

- 66 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is configured to create a tightening of the lower esophageal sphincter while creating submucosal lesions in the lower esophageal sphincter.
- 67 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is an RF electrode.
  - 68 (Previously amended). The apparatus of claim 67, further comprising:
  - an RF energy source coupled to the RF electrode.
- 69 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is a microwave antenna.
  - 70 (Previously amended). The apparatus of claim 69, further comprising:
  - a microwave energy source coupled to the microwave antenna.
- 71 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is a waveguide.
  - 72 (Previously amended). The apparatus of claim 71, further comprising:
  - a light source coupled to the waveguide.
  - 73 (Previously amended). The apparatus of claim 72, wherein the light source is a laser.
- 74 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is an acoustical transducer.
  - 75 (Previously amended). The apparatus of claim 74, further comprising:
  - an acoustical energy source coupled to the acoustical transducer.
- 76 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is a resistive heating device.
  - 77 (Previously amended). The apparatus of claim 50, further comprising:
  - a visualization device coupled to the expandable member.
  - 78 (Previously amended). The apparatus of claim 50, further comprising:
  - an extension member coupled to the expandable member.
- 79 (Previously amended). The apparatus of claim 78, wherein a proximal portion of the extension member is maneuverable by a medical practitioner.

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- 80 (Previously amended). The apparatus of claim 50, wherein the energy delivery device is a plurality of RF electrodes.
- 81 (Previously amended). The apparatus of claim 80, wherein the plurality of electrodes is a flexible circuit.
  - 82 (Previously amended). The apparatus of claim 50, further comprising: a mechanical expansion device coupled to the expandable member.
    83-110 (Canceled).